

HSCA Advisory Committee
DNREC's Lukens Field Office
391 Lukens Drive, New Castle DE 19720
March 1, 2018
Meeting Minutes

Attendees:

Jess Anderson, Michael Baker
Bill Baldwin, Action Environmental
Angelo Fatiga, Pennoni
Rep. Debra Heffernan, by phone
Alan Lloyd, Pennoni
David Morgan, Environmental Alliance
Nick Santella, BSTI
Doug Seavey, Landmark
Kathy Stiller, Brightfields
Harley Yerkes, Environmental Alliance

DNREC

John Costa
Marjorie Crofts
Kate Durant
Melissa Leckie
Tim Ratsep
Alex Rittberg
Qazi Salahuddin
Lori Spagnolo
Paul Will
Jill Williams-Hall
Christina Wirtz

Introductions and Opening Remarks – Tim Ratsep welcomed members.

Approval of Sept. 1, 2017 Meeting Minutes – The minutes were unanimously approved.

Department Updates – Marj Crofts announced that Lisa Borin Ogden is the new Deputy Secretary and Kristin Barnekov-Short is the new Chief of Staff in the Office of the Secretary. HSCA Sunset Committee meeting was held on Feb. 27, 2018. Committee suggested legislating the HSCA Advisory Committee to include Governor-appointed members and designated terms of service. For more information, please see **HSCA Sunset Committee Presentation** below.

Updates for TMS – Alex provided the following updates:

- **Personnel:** Melina Lounsbury is the new administrative specialist responsible for the FOIAs. Hydrologist Chris Brown is participating in a job rotation assignment four days a week in the Solid and Hazardous Waste Management Section. Jill Williams-Hall has taken a lateral transfer, and now in addition to working for the EPA two days a week, works with SIRS supporting the Brownfields Program.
- **Funding:** Federal budget for FY19 indicates that the UST Program may be eliminated as part of a 30% cut to EPA's budget. This was also the case in FY18, but Congress continued to appropriate funding through continuing resolutions.
- **Key Activities:** 1) Use of Innovative Technologies - Approved a piping configuration that's new to Delaware, but used at several thousand facilities in the United States called the OPW Loop System, the piping systems offers better piping connections, less 90 degree elbows, and easier field installations. 2) Continue to work with Air Quality to develop amendments to the regulations for Stage II Vapor Recovery Systems, which bring petroleum vapors back to the underground storage tank when you are pumping gas, but competes with cars that have on-board carbon canisters. About 50 of the 350 gas stations have decommissioned their Stage II systems.

3) Tanks is also working closely with DNREC's storm water and sediment control programs to make sure that any underground storm water management structures for storage or infiltration are not located in areas of contamination.

- **UST Regulations:** Last year DNREC worked with the Underground Storage Tank Committee (USTAC) to develop draft changes to the UST regulations. DNREC sent this draft to EPA in August of last year for review. DNREC received EPA's 350 comments in late January, are currently going through them and determining what will need to be changed. The next USTAC meeting is scheduled for March 28, 2018.
- **DERBCAP:** Lori Spagnolo is updating the Delaware Risk-Based Corrective Action Program.

Updates for SIRS –Tim provided the following updates:

- **New Personnel:** Michelle Reda - administrative specialist; John Costa - engineer; and as previously mentioned, Jill Williams-Hall - supporting the Brownfields Program. Karissa Hendershot recently retired.
- **Funding:** HSCA revenue fluctuates dramatically. Continuing cost reductions, esp. HSCA administrative expenditures. Lukens building is now on a month to month lease, however, no changes are planned until HSCA sunset considerations have been resolved.
- **Key Activities:** 1) Increasing enforcement actions with 2nd Environmental Appeals Board (EAB) hearing next month. 2) Newark South Groundwater Plume Site successfully listed to EPA's National Priorities List (NPL). Hockessin Groundwater Site proposed for the NPL - 60-day comment period. 3) Recent Blades PFAS emergency response – provided alternative drinking water supplies within 48 hours of lab results. 4) Tim will participate in the National LEAN program to streamline the process for bringing Superfund sites back to productive use.
- **Brownfields Grant Funding:** Melissa indicated there is \$185,000 left in the FY18 budget. FY19 budget of \$1.5 million will be available starting July 1, with no assurance of funding in FY20. Therefore, it is anticipated that DNREC will not accept requests for brownfields grant funding once the projected brownfields grant funding amounts reach \$1.5 million in FY19. However, DNREC will continue accepting applications to certify brownfield sites in order to allow for tax benefits and liability protection once the site has been remedied and receives DNREC's Certification of Completion of Remedy.

HSCA Sunset Committee Presentation – Melissa gave her presentation for the HSCA Sunset Committee meeting on Feb. 27th. Follow-up questions from the committee were sent out by email.

The presentation is available at: <http://www.dnrec.delaware.gov/dwhs/BAC/Pages/BACMeetings.aspx>

Next Sunset Committee meeting for the DNREC will be on April 17, 2018. Focus will be on answers to follow-up questions and legislating changes. Our contact is Julie Fedele, Joint Sunset Committee Analyst, with the Legislative Council. The link to the Sunset Committee webpage is:

<http://legis.delaware.gov/Chambers/Sunset>

HAC Subcommittee Report-outs:

- **Technical Subcommittee** – Qazi Salahuddin discussed the subcommittee's meetings and proposed actions including updating the guidance on mass loading. Rick Galloway will help finalize the guidance once Blades emergency response is completed. Will also update the soil reuse policy.
- **Finance Subcommittee** – Jill and Liz LaSorte are overseeing changes to Brownfields Certification and VCP applications, respectively.

- **Regulatory Subcommittee – Tim Ratsep & Alex Rittberg** – Tim discussed the changes to the HSCA regulations including the new definition of brownfields and limiting the responsibilities of brownfield developers to contaminant plumes within the brownfields certified property boundaries (i.e., no plume chasing). Cleanup of offsite contamination will remain the responsible parties' liability unless none are available or have the ability to pay, in which case it would be the state's responsibility.

Tim also discussed the recent changes to Delaware's Sediment and Stormwater Management program, which operates within the Division of Watershed Stewardship's Drainage and Stormwater Section. The program was approving all of our HSCA remedial construction projects. Starting in 2018, the responsibility will be placed on delegated agencies (City of Wilmington, NCCo, Conservation Districts, etc.). The delegated agency will approve the erosion and stormwater control plans and review the required weekly inspections completed by the site consultants. In addition, Sediment & Stormwater Inspection Reports, completed either quarterly or semi-annually based on the project, will be done by SIRS project officers. Lindsay Hall and John Costa will provide oversight. Kudos to Kristen Thornton, who has been working with the Delaware Children's Department to implement new regulations for safely siting daycare facilities. Alex discussed holding owner-operator training in-house.
- **Outreach & Education Subcommittee** – The subcommittee is working on draft brownfields brochures for Kent and Sussex counties. Before and after photos of sites in these two counties are needed. Also, working on improving instructions for using DEN.
- **Ecological Revitalization & Green Restoration Group** – Kate discussed the EcoHAC's visit to CSC's global headquarters, which was planted with sustainable landscaping last year, and Herbert White, the City of Wilmington's urban forest administrator's, presentation. The subcommittee plans to invite Claudia West to a HAC meeting this fall or winter.
- **New Business/Public Comments** – None

Next Meeting will be on June 7, 2018 from 10:00 am-12:30 pm at the DNREC Lewes Field Office, 901 Pilottown Road, Lewes, DE 19958. Phone: 302.855.7290.